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AUGUST B. LANDIS

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re)	Case No. 10-13595
)	
GRACE PLAMENCO)	Chapter 7
)	
Debtor.)	
)	
)	
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)	

UNITED STATES TRUSTEE'S DECLINATION STATEMENT
PURSUANT TO 11 U.S.C. § 704(b)(2)

August B. Landis, Acting United States Trustee(UST), files this Declination Statement based on 11 U.S.C. § 704(b)(2) and represents as follows:

1. This case was commenced by the filing of a voluntary petition ("Petition") under Chapter 7 of Title 11 on September 17 2010.
2. The Debtor has primarily consumer debt.
3. Debtor filed a Chapter 7 Statement of Current Monthly Income and Means Test Calculation indicating that the presumption of abuse does not arise under 11 U.S.C. § 707(b).
4. On November 1, 2010, the UST filed a statement pursuant to 11 U.S.C. § 704(b)(1)(A) stating the presumption arises.
5. The Bankruptcy Code at 11 U.S.C. § 704(b)(2) provides that:
The United States trustee . . . shall, not later than 30 days after the date of

1 filing of a statement under paragraph (1), either file a motion to dismiss
2 or convert under section 707(b) or file a statement setting forth the
3 reasons the United States trustee . . . does not consider such a motion to
4 be appropriate, if the United States trustee . . . determines that the
debtor's case should be presumed to be an abuse under section 707(b) and
the product of the debtor's current monthly income, multiplied by 12 is
not less than [the applicable median family income amount].
5 *See* 11 U.S.C. § 704(b)(2).

6 6. Based upon currently available information, the UST will not file a motion to dismiss
7 this case under 11 U.S.C. § 707(b)(2) because the UST does not consider such a motion to be
8 appropriate.

9 7. Accordingly, notwithstanding that the UST asserted that the presumption of abuse arose
10 under 11 U.S.C. § 707(b)(2), the UST declines to file a motion to dismiss this case.

11 WHEREFORE, the UST, having considered the facts of this case, will not file a motion to
12 dismiss under 11 U.S.C. § 707(b)(2).

13 Dated: November 30, 2010

Respectfully submitted,

14 August B. Landis
15 Acting United States Trustee

16 By: /s/ Patricia Cutler
17 Patricia Cutler
18 Attorney for the U.S. Trustee
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